

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARLOS CASTRO, ANTONIO GONZALEZ,
MAOLI HIERRO, and HERMES GONZALEZ,

Case No. 1:14-cv-09788 (LTS)

Plaintiffs,

-vs.-

**AFFIRMATION
OF SUPPORT**

3920 BWY REST INC. d/b/a PARRILLA LATIN
BISTRO d/b/a PARILLA STEAKHOUSE, PARRILLA
GRILL REST. INC. d/b/a 137 BAR AND GRILL,
OMAR AROCHO, MANUEL HERNANDEZ
JOSE HERNANDEZ and GINO HERNANDEZ,

Defendants.
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Amit Kumar, hereby affirms as follows:

1. I am the attorney for Plaintiffs in the above captioned action.
2. This action was commenced pursuant to 29 U.S.C. §§ 201 *et seq.* (the Fair Labor Standards Act), and pursuant to 28 USC §1367, upon pendent causes of action related to the same factual nexus under the New York Labor Law.
3. The time for the Defendants 3920 BWY REST INC. d/b/a PARRILLA LATIN BISTRO d/b/a PARILLA STEAKHOUSE, PARRILLA GRILL REST. INC. d/b/a 137 BAR AND GRILL, OMAR AROCHO, MANUEL HERNANDEZ JOSE HERNANDEZ and GINO HERNANDEZ (hereinafter the "Default Defendants") to answer or otherwise move with respect to the Complaint herein has expired.

4. The Default Defendants have not answered or otherwise moved with respect to the complaint, and the time for the Default Defendants to answer or otherwise move was not extended.

5. None of the Default Defendants are infants or incompetents, nor are any of them presently in the military service of the United States as appears from the facts in this litigation.

6. The Default Defendants acted as Plaintiff Carlos Castro's employers within the purview of the Fair Labor Standards Act and the New York Labor Law from and between April 2014 through November 2014.

7. The Default Defendants acted as Plaintiff Antonio Gonzalez's employers within the purview of the Fair Labor Standards Act and the New York Labor Law from and between March 2006 through August 2014.

8. The Default Defendants acted as Plaintiff Maoli Hierro's employers within the purview of the Fair Labor Standards Act and the New York Labor Law from and between August 2009 through December 2014.

9. The Default Defendants acted as Plaintiff Hermes Gonzalez's employers within the purview of the Fair Labor Standards Act and the New York Labor Law from and between June 2009 through August 2014.

10. The Default Defendants are indebted to each of the Plaintiffs in that they failed to pay the Plaintiffs the legally required minimum wage for hours worked up to an including 40 in a given week.

11. The Default Defendants are also indebted to each of the Plaintiffs in that they failed to pay the Plaintiffs any overtime pay for hours he worked in excess of 40 hours per week.

12. The Default Defendants are also indebted to each of the Plaintiffs for their failure to make and preserve accurate and adequate time records with respect to the Plaintiffs pursuant to the New York Labor Law.

13. The Default Defendants are also indebted to each of the Plaintiffs in that they failed to pay the Plaintiffs their spread of hours pay under the New York Labor Law.

14. The Default Defendants are also indebted to the Plaintiff for their failure to make and preserve accurate and adequate time records with respect to Plaintiff pursuant to the New York Labor Law.

15. The Default Defendants are also indebted to Plaintiff Maoli Hierro by inappropriately deducting or misappropriating Plaintiff Maoli Hierro's tips under the New York Labor Law.

16. The amount of unpaid wages will be fixed by the Court upon motion to be made by the Plaintiffs.

WHEREFORE, Plaintiffs request that the default of Defendants 3920 BWY REST INC. d/b/a PARRILLA LATIN BISTRO d/b/a PARILLA STEAKHOUSE, PARRILLA GRILL REST. INC. d/b/a 137 BAR AND GRILL, OMAR AROCHO, MANUEL HERNANDEZ JOSE HERNANDEZ and GINO HERNANDEZ be noted and a certificate of default be entered.

I declare under the penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amounts claimed are justly due to the plaintiff, and that no part thereof has been paid.

Dated: New York, New York
June 3, 2015



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